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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH CARE SERVICES

STEVE ARWOOD  
DIRECTOR

DATE: May 28, 2013

TO: Licensees, Owners, Employees, Contractors, Individuals granted clinical privileges and Prospective employees of Nursing Homes, County Medical Care Facilities, Hospices, Home Health Agencies, Hospitals that provide swing beds, and Psychiatric Facilities

FROM: Carole H. Engle, Director  
Bureau of Health Care Services

SUBJECT: Cases disposed under the Holmes Youthful Trainee Act

The Department has amended its policy for enforcing MCL 333.20173a. The amended policy will provide that a person who entered a guilty plea under the Holmes Youthful Trainee Act (HYTA), MCL 762.11 *et seq.*, **prior to December 16, 2010** (the amendatory date of MCL 333.20173a), and whose case was subsequently dismissed under MCL 762.14 will not be denied eligibility for long-term care employment based on his or her participation in HYTA. The amended policy will not limit the ability of the Department to disqualify from employment individuals who participated in HYTA as outlined above, but who are nevertheless ineligible for other reasons, such as other disqualifying criminal history or other statutory bars to employment under MCL 333.20173a.

This amended policy will not apply to persons who are barred from employment because they are on the list of excluded persons and entities maintained by the Centers for Medicare and Medicaid Services pursuant to 42 USC 1320a-7.